IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 960 OF 2007

WITH

CRIMINAL WRIT PETITION NO. 1085 OF 2007

CRIMINAL W.P. NO. 960 OF 2007

Shri Ranjit Krishnakant Wadhokar ..Petitioner

Vs.

The Addl. Colector, Pune, & Anr. ..Respondents

CRIMINAL W.P. NO. 1085 OF 2007

Shri Mukund Shivaji Jadhav ..Petitioner

Vs.

The Addl. Collector, Pune & Anr. ..Respondents

Mr. A.P.Mundargi, Advocate, i/b. Mr. S.V.Pitre,
Advocate for the petitioner (in both matters)
Mr. Y.S.Shinde, APP, for the State (in both matters).

CORAM: J.H.BHATIA,J.

DATE : 28th June, 2007.

P.C.

1. Heard Mr. Mundargi, learned Counsel for the

petitioner and Mr. Shinde, APP, for the State.

2. PSI M.M.Sarankar, of local Crime Branch, Pune Rural, seized three tankers, containing diesel as well as some diesel which was taken out from the said tankers along with some other material. It is contended that the offence was committed under Sections 3,7 and 8 of the Essential Commodities Act and under Sections 420, 285 read with 34 of I.P.C. Therefore, crime Nos.57/2007 and 58/2007 were registered against the drivers of those three tankers. The present petitioners are not the accused. They are the owners of the tankers. They had approached the Additional Collector, Pune, for return of the tankers along with the contents thereof. On this, the Additional Collector passed the impugned order dated 11.5.2007 wherein he fixed the value of the tankers on the basis of the Valuation Certificate and directed the petitioners to furnish a Bank Guarantee to the extent of 50% of the value of the tanker and subject to furnishing the bank guarantee, the tankers were directed to be returned to the petitioners. However, at the same time, the Additional Collector directed that the diesel/petrol found in the said tankers be given to the Maharashtra State Oil Coordination Committee, Mumbai, and the price which the contents would fetch, be deposited with the State. These orders are challenged in these Petitions. The petitioners also seek to quash the FIR in both the

matters.

3. Mr. Shinde, learned APP, pointed out that the samples of the contents of the said tankers were also taken and they were sent to the Laboratory to get report as to whether the contents were adulterated. As the report is not yet received, it will not be in the public interest to allow the return of the contents at this stage.

4. After some discussion at the Bar, the learned Counsel agree that the order passed by the Additional Collector, Pune, may be clarified to the extent that the sale proceeds of the contents of the tankers shall remain in deposit with the State Government till the criminal proceedings based on the FIR are concluded.

5. Therefore, it is hereby directed that the tankers may be returned to the petitioners as per the order passed by the Addl. Collector and the sale proceeds of the contents of the said tankers shall remain in deposit with the Maharashtra Oil Coordination Committee as per rules, but shall not be confiscated till the criminal proceedings arising out of the said FIR are concluded.

With these directions, both the petitions are disposed of.

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(J.H.BHATIA,J.)